REMARKS

The Applicants appreciate the thoroughness with which the subject application has been examined. By this amendment, changes have been made in the specification and certain claims to overcome the Examiner's rejections and more concisely claim and describe the present invention. Claims 1-3, 5-7, 9-12 and 14-17 remain in the application for reconsideration by the Examiner. Claims 4, 8 and 13 have been cancelled, without prejudice. The Examiner's allowance of all pending claims is earnestly solicited.

MATTERS RELATED TO THE SPECIFICATION

The Applicants have identified several typographical informalities in the specification and propose to correct them as set forth above in the marked-up specification paragraphs. As requested by the Examiner, the Applicants have also included patent application filing information for the application identified only by an attorney docket number on page 8.

MATTERS RELATED TO THE CLAIMS

Within the first claim set, claims 1, 2 and 4 have been rejected under Section 102(b) as unpatentable over Ganmukhi (5,953,314) and under Section 102(e) as unpatentable over Chidambaran (2002/0141344). Claims 3 and 5 stand rejected under Section 102(e) as unpatentable over Chidambaran.

To further distinguish the claimed invention from the cited art, the Applicants have amended claim 1 as set forth above. In particular, claim 1 now includes a revised step "(d) when the drain timer has timed out, controlling the first switch fabric to the standby mode and the second switch fabric to the operational mode." Step (e) claims "starting a restart timer" and step (f) "when the restart timer has timed out, sending signals from the plurality of input devices into the second switch fabric." Support for these changes can be found in the specification beginning at line 22 on page 10 and in Figure 2.

Ganmukhi discloses a technique for switching between an active and a standby control processor in a network switch. However, Ganmukhi does not disclose or suggest a restart timer as the Applicant's claim in amended claim 1.

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Chidambaran discloses a method for controlled switchover from a first to a second switch using a test cell that includes end of flow and start of flow indicators. It is noted that Chidambaran was commonly owned with the present application as of the filing date of the present application. Therefore any rejection of claims under Section 103(a) based on Chidambaran would be overcome according to Section 103(c).

The Examiner has cited Chidambaran as disclosing a restart timer at step 206 of Figure 11 and the accompanying text at paragraph |0080|. The Examiner has also cited step 206 of Figure 11 and paragraph [0080] as disclosing a drain timer. It is respectfully submitted that the step 206 cannot perform both functions as set forth in the Applicant's amended claim 1, where the two switch fabrics are controlled to switch states after the drain timer has timed out, after which the first switch fabric is controlled to the standby mode and the second switch fabric is controlled to the active mode. The restart timer is then started. After the restart timer has timed out signals from the plurality of input devices are sent to the second switch fabric (the operative switch fabric).

Dependent claims 2,3 and 5 have been amended, as set forth above where necessary, to render the dependent claim consistent with independent claim 1 from which it depends. It is respectfully submitted that each of these dependent claims includes one or more elements that further distinguish the invention over the art of record. These claims should therefore be in condition for allowance.

Claim 4 has been cancelled without prejudice. The Applicants reserve the right to prosecute this claim or a similar claim in a continuing application. Cancellation of claim 4 is not to be construed as an admission as to the validity of the rejection or the applicability of the cited art.

Within the second claim set, claims 6-9 and 11 have been rejected under Section 102(e) as unpatentable over Chidambaran. Claim 10 stands rejected under Section 103(a) as unpatentable over Chidambaran in view of Corbalis (6,882,766).

To further distinguish the claimed invention from the cited art, the Applicants have amended claim 6 as set forth above. In particular, step (d) now claims "in response to the switch empty signal, starting a restart timer" and revised step (e) claims, "at the plurality of input devices, when the restart timer times out sending data into the second switch fabric." Support for these changes can be found in the specification beginning at line 22 on page 10 and in Figure 2.

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As discussed above in conjunction with the revisions to claim 1, Chidambaran does not disclose or suggest the use of a restart timer as set forth in Applicant's amended claim 6.

Dependent claims 7 and 9-11 have been amended, as set forth above where necessary, to render the dependent claim consistent with independent claim 6 from which it depends. It is respectfully submitted that each of these dependent claims includes one or more elements that further distinguish the invention over the art of record. These claims should therefore be in condition for allowance.

Claim 8 has been cancelled without prejudice. The Applicants reserve the right to prosecute this claim or a similar claim in a continuing application. Cancellation of claim 8 is not to be construed as an admission as to the validity of the rejection or the applicability of the cited art.

Within the third claim set, claims 12 and 13 have been rejected under Section 102(e) as unpatentable over Chidambaran.

To further distinguish the claimed invention from the cited art, the Applicants have amended claim 12 as set forth above. In particular, the Applicants have added a step (g) starting a restart timer" and a revised step (h) claiming, "when the restart timer has timed out, sending data traffic between each of the plurality of lines cards and the active switch fabric. Support for these changes can be found in the specification beginning at line 22 on page 10 and in Figure 2.

As discussed above in conjunction with the revisions to claim 1, Chidambaran does not disclose or suggest the use of a restart timer as set forth in Applicant's amended claim 12, and thus claim 12 is patentably distinct therefrom.

Claim 13 has been cancelled without prejudice. The Applicants reserve the right to prosecute this claim or a similar claim in a continuing application. Cancellation of claim 13 is not to be construed as an admission as to the validity of the rejection or the applicability of the cited art.

Independent claim 14 and dependent claims 15 and 16 have been rejected under Section 102(e) as unpatentable over Chidambaran.

It is respectfully suggested that claim 14 is patentably distinct from the cited art, as Chidambaran does not disclose or suggest a restart timer as set forth in the last paragraph of claim 14. The Examiner's reference to element 212 of Chidambaran's Figure 11 as the restart timer is misplaced. Chidambaran's "fixed amount of time" referred to at step 212 designates a

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wait period for the offline AGR ASIC (switch fabric). He does not disclose "an enable signal [generated when the restart timer times out] input to the plurality of line cards for instructing the line cards to begin sending data traffic into the active switch."

Dependent claims 15 and 16 each include one or more elements that further distinguish the invention over the art of record. These claims should therefore be in condition for allowance.
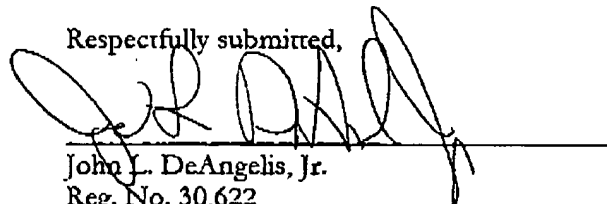
Independent claim 17 has been rejected under Section 102(e) as unpatentable over Chidambaran.

It is suggested that claim 17 is patentable over Chidambaran as the reference does not disclose or suggest the restart timer element as set forth in the last paragraph of claim 17, as explained above in conjunction with the discussion of claim 14.

The Applicants have attempted to comply with all of the points raised in the Office Action and it is believed that the remaining claims in the application, i.e., claims 1-3, 5-7, 9-12 and 14-17 are now in condition for allowance. In view of the foregoing amendments and discussion, it is requested that the Examiner's claim rejections have been overcome. It is respectfully requested that the Examiner reconsider these rejections and objections and issue a Notice of Allowance for all the claims pending in the application.

If a telephone conference will assist in clarifying or expediting this Amendment, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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